

**ENTERED**

September 29, 2025

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

UNITED STATES OF AMERICA

v.

JAMES PALLADINA,

Defendant.

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CRIMINAL NO. 4:24-cr-371-S-45

**REPORT AND RECOMMENDATION**

The United States Magistrate Judge submits this Report and Recommendation to the District Judge pursuant to 28 U.S.C. § 636(b). This case has been referred to the United States Magistrate Judge to accept a felony guilty plea and conduct allocution pursuant to Federal Rule of Criminal Procedure 11. All parties waived the right to plead guilty before a United States District Judge and consented in writing to proceed before a United States Magistrate Judge.

On September 29, 2025, Defendant James Palladina (“Defendant”), and counsel appeared in open court before the undersigned magistrate judge for the purpose of entering a conditional guilty plea, with a plea agreement,<sup>1</sup> to

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<sup>1</sup> Defendant’s plea agreement is offered under Federal Rules of Criminal Procedure 11(a)(2) and Rule 11(c)(1)(A) and (B). Defendant makes this conditional plea, reserving the right to have an appellate court review the Court’s Order denying Defendant’s Motion to Dismiss (ECF No. 1104). Should the Defendant prevail on appeal, he has reserved the right to withdraw his plea.

Count Thirty-Nine of the Superseding Indictment. Defendant is charged in Count Thirty-Nine with conspiracy to commit wire fraud, in violation of Title 18 U.S.C. §§ 1349 and 1343.


After conducting the proceeding in the form and manner prescribed by Rule 11 of the Federal Rules of Criminal Procedure, this court makes the following findings of fact:

1. Defendant, after consultation with counsel of record and with the approval of the government, has knowingly and voluntarily consented to be advised of his rights and to enter a plea of guilty before a U.S. Magistrate Judge subject to final approval and imposition of sentence by Senior United States District Judge Lee H. Rosenthal.
2. Defendant is fully competent and capable of entering an informed plea.
3. Defendant is aware of the nature of the charge, the maximum and minimum punishment range and other penalties that may be imposed at sentencing.
4. Defendant understands his constitutional and statutory rights and wishes to waive those rights.
5. Defendant understands that the sentencing judge is not bound by any recommendation on sentencing made by either counsel for the government or counsel for the defendant, and that if a recommendation on sentencing is not followed by the sentencing judge, he may not withdraw his plea of guilty.
6. Defendant's plea of guilty is a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the offense charged in Count Thirty-Nine of the Superseding Indictment.

Based upon the foregoing, it is **RECOMMENDED** that the guilty plea of Defendant as to Count Thirty-Nine of the Superseding Indictment be accepted by the court and that Defendant be adjudged guilty of the offense alleged in Count Thirty-Nine of the Superseding Indictment.

The Clerk shall send copies of this Report and Recommendation to the respective parties who have fourteen (14) days from the receipt thereof to file written objections thereto pursuant to General Order 2002-13. Failure to file written objections within the time mentioned shall bar an aggrieved party from attacking the factual findings and legal conclusions on appeal.

**SIGNED** in Houston, Texas, this 29th day of September 2025.

A handwritten signature in black ink, appearing to read "Richard W. Bennett", is written over a horizontal line.

Richard W. Bennett  
United States Magistrate Judge